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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/752,431

01/06/2004

Robert Baer

0132.67604

3776

7590

06/30/2009

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EXAMINER

REESE, DAVID C

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

06/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: ROBERT BAER, LON DEHAITRE, CHARLES KADISH
MARK ROMANO and MICHAEL TIPPS

Application No. 10/752,431
Technology Center 3600

Mailed: June 30, 2009

Before QUITA GOULD, *Supervisory Paralegal Specialist, Review Team*
GOULD, *Supervisory Paralegal Specialist, Review Team.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on June 1, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on January 29, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

NOTICE OF APPEAL

A review of the Content Information for this application in PALM Resource Center finds that a Notice of Appeal filed on April 19, 2007. However, the Notice of Appeal filed on April 19, 2007 is not of record in the Image File Wrapper (IFW).

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to consider the Reply Brief filed on January 29, 2009, as indicated above;
- 2) to complete the IFW by having the Notice of Appeal filed on April 19, 2007, scanned into the IFW file; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

Application No. 10/752,431

QG/llw

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